2.   Waste Analysis Information for Purposes of Subpart CC Compliance

A treatment, storage, and disposal facility (TSDF) periodically receives shipments of waste from an off-site generator. Waste analysis information provided to the TSDF by the generator indicates that the waste is not subject to the 40 CFR Part 264/265, Subpart CC air emission standards. These standards allow owners/operators to use process knowledge when determining the applicability of the standards to a particular wastestream (Section 265.1084(a)(2)). If the owner/operator of the TSDF uses the generator's waste analysis information to demonstrate the waste is not subject to the air emission standards, how often must this information be updated to maintain compliance with Subpart CC? Can the generator send the information to the TSDF monthly or annually, or must the appropriate information accompany each waste shipment?

The Subpart CC regulations do not require that waste analysis information accompany every shipment of hazardous waste sent from the generator to a TSDF. If the waste analysis information received from the generator with the first shipment of waste is representative of subsequent shipments to the TSDF, the TSDF can continue to rely on the original waste analysis information, within certain limits. Owners/operators are required to update the waste analysis information at least once every twelve months following the date of the original analysis (Section 265.1083(c)(1)).

It is not the responsibility of the generator to supply the TSDF with waste analysis documentation, rather it is the TSDF's option to use this information to perform volatile organic concentration determinations. In all cases, it is the responsibility of the person with custody of the waste to obtain valid information to make compliance determinations. Therefore, the TSDF should only use shipping papers, waste certifications, or other generator-prepared information in which they have confidence (61 FR 4907; February 9, 1996).